

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: GENERIC PHARMACEUTICALS
PRICING ANTITRUST LITIGATION

MDL 2724
16-MD-2724

Individual Case No. 18-CV-284

HON. CYNTHIA M. RUFE

THIS DOCUMENT RELATES TO:

*The Kroger Co. et al. v. Actavis Holdco U.S.,
Inc. et al.*

KROGER PLAINTIFFS' MOTION FOR LEAVE TO AMEND

Direct Action Plaintiffs The Kroger Co., Albertsons Companies, LLC, and H.E. Butt Grocery Company L.P., (collectively, the “Kroger DAPs”) submit this Motion for Leave to Amend pursuant to Federal Rule of Civil Procedure 15(a)(2). The State AGs have agreed for the Kroger DAPs to participate with the State AGs in a potential bellwether trial of the “Heritage-related” claims as framed in the State AG’s initial Complaint in *State of Connecticut et al. v. Aurobindo Pharma USA, Inc.*, Case No. 17-cv-03768-CMR (E.D. Pa.) (The “Heritage-Related Conspiracy”). With this Motion, the Kroger DAPs seek to conform certain of their claims with the claims pled by the State AGs in the Heritage-Related Conspiracy. Specifically, for the reasons demonstrated in the accompanying Memorandum in Support of this Motion, the Kroger DAPs seek:

- 1) Leave of Court to file their proposed Second Amended Complaint;
- 2) An Order from this Court providing that the proposed Second Amended Complaint is deemed substituted for the Kroger DAPs’ First Amended Complaint for the purposes of the remaining Motions to Dismiss.

Dated: August 30, 2019

Respectfully submitted,

By: 
Richard Alan Arnold, Esquire
William J. Blechman, Esquire
Scott E. Perwin, Esquire
Anna T. Neill, Esquire
Samuel J. Randall, Esquire
Brandon S. Floch, Esquire
Joshua B. Gray, Esquire
KENNY NACHWALTER, P.A.
1441 Brickell Avenue
Suite 1100
Miami, Florida 33131
Tel: (305) 373-1000
Fax: (305) 372-1861
E-mail: rarnold@knpa.com
wblechman@knpa.com
sperwin@knpa.com
aneill@knpa.com
srandall@knpa.com
bfloch@knpa.com
jgray@knpa.com

Counsel for Kroger Plaintiffs